

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012090523

ORDER GRANTING JOINT REQUEST
FOR SECOND CONTINUANCE,
SETTING MEDIATION, PREHEARING
CONFERENCE, AND HEARING

On January 25, 2013, the parties filed a joint second request to continue the mediation, prehearing conference, and hearing dates in this matter. Student filed his complaint on September 18, 2012. On October 31, 2012, OAH granted parties' joint request for a continuance of all dates. The parties were awaiting the completion of assessments and an IEP. However, the assessments were not completed in time to hold an IEP before the scheduled January 9, 2013 mediation. Accordingly, the mediation was cancelled.

Both parties desire to have the IEP team review the assessments before mediation. The IEP is scheduled for February 19, 2013. Accordingly, the parties seek a second continuance to enable them to have a meaningful and productive mediation.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing to a continuance of dates in

order to fully explore resolution at mediation. Good cause existing therefore, the request is granted.

All dates are vacated. This matter will be set as follows:

Mediation: **March 6, 2013, at 1:30 PM**, at the District offices, **333 South Beaudry Ave., 17th Floor, Los Angeles, CA 90017.**

Prehearing Conference: **March 25, 2013, at 1:30 p.m.**

Due Process Hearing: **April 2, 3 and 4, 2013**, commencing at 1:00 p.m. on the first day of hearing, and 9:00 a.m. on all remaining days. (Monday, April 1, 2013 is a legal holiday. Thus, April 2, 2013 is the first day of the week. See Scheduling Guide.) The hearing will take place at the **Office of Administrative Hearings**, located at **15350 Sherman Way, Suite 300, Van Nuys, CA 91406.**

NOTE: In light of the age of the original filing and the inability of the parties to resolve this dispute informally to date, no further continuances are contemplated.

IT IS SO ORDERED.

Dated: January 25, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings